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10 Attorneys for Defendant  
11 APPLE COMPUTER, INC.

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14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA

16 SAN JOSE DIVISION

17 JOSEPH BIRDSONG, individually and as  
18 representative of the CLASS,

19 Plaintiff,

20 vs.

21 APPLE COMPUTER, INC.,

22 Defendant.

23 Case No. C 06-02280 JW PVT  
24 Judge: Hon. James Ware

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27 **STIPULATION EXTENDING  
28 DEFENDANT'S DEADLINE TO RESPOND  
TO COMPLAINT**

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34 IT IS HEREBY STIPULATED BY AND BETWEEN Plaintiff Joseph Birdsong, individually  
35 and as representative of the putative Class, and Defendant Apple Computer, Inc., pursuant to Fed. R.  
36 Civ. P. 6(b) and N.D. Cal. Civil L.R. 6-1(a), and consistent with the parties' prior agreements, that  
37 Defendant's deadline to answer or otherwise respond to Plaintiff's Complaint is extended until  
38 September 15, 2006.

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1 IT IS SO STIPULATED.

2 Dated: August 8, 2006 NEBLETT, BEARD, ARSENAULT

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By: /s/ J.R. Whaley

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Richard Arsenault  
John Randall Whaley

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Attorneys for Plaintiff  
JOSEPH BIRDSONG,  
individually and as representative  
of the putative CLASS

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Dated: August 8, 2006 KIRKLAND & ELLIS LLP

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By: /s/ Mark E. McKane

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James F. Basile  
Mark E. McKane

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Attorneys for Defendant  
APPLE COMPUTER, INC.

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## **ATTESTATION PURSUANT TO GENERAL ORDER 45**

I, Mark E. McKane, am the ECF user whose ID and password are being used to file this  
STIPULATION EXTENDING DEFENDANT'S DEADLINE TO RESPOND TO COMPLAINT.  
In compliance with General Order 45, X.B., I hereby attest that John Randall Whaley, counsel for  
Plaintiff Joseph Birdsong, has concurred in this filing.

/s/ Mark E. McKane

Mark E. McKane